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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

CHOW, MING

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,137

Applicant(s)

HASEGAWA, NOZOMU

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 23 recites "the querying by the portable wireless telephone". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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2. Claims 7, 11, 15, 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowater et al (US: 6282269).

Regarding claims 7, 15, Bowater et al teach on column 3 line 29, voice message can be retrieved by the second user using an Internet telephone over the Internet. The “Internet” of Bowater et al is the claimed “packet switched network”. The “retrieved” is the claimed “application layer subscriber message processing protocol messages” (see section [0037] of the current specification, the protocol message includes the subscriber data message, i.e., retrieval, delivery, editing, etc.) Bowater et al also teach on column 7 line 1-3, the preferred embodiment uses GSM cellular phones. Therefore, the telephone as taught by Bowater et al is a portable wireless telephone that allows a voice communication via a telephone network.

For claims 11 and 19, all rejections as stated in claims 7, 15 above apply.

Regarding message storage systems storing voice messages, Bowater et al teach on column 4 line 11-14 means for storing the voice message.

The portable wireless telephone of Bowater’s system must comprise a processor to control processing of a voice message on the message storage systems.

For claim 20, Bowater et al teach on column 8 line 57-58, a list of callers (claimed “a recipient group”) for whom voice messages can be left.

For claims 21, Bowater et al teach on column 8 line 46-51 and column 9 line 7-11, the telephone of the caller dials the voice mail system based on the internet address of the voice mail system that is stored in a directory locally of the caller.

3. Claims 16, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Haumont et al (US: 2001/0019951).

Regarding claim 16, 17, Haumont et al teach on section [0043] - an SMS or GPRS message or packet is sent from a voice mail server (claimed “resource database”) to the mobile station (claimed “portable wireless telephone”) to alert (claimed “message service information”) the user. The mobile station must have a processor to receive the message service information. The GPRS connects to data networks line TCP/IP (claimed “a packet switched network application layer data transfer protocol”) for transmitting the alert messages.

Haumont et al teach on section [0018], a mobile station (claimed “portable wireless telephone”) comprising a receiving means (claimed “a processor”) for receiving voice mail message, readapting means for readapting the received message and a reproduction means for reproducing the voice mail message (all read on claimed “process.....a message”). Haumont et al teach on section [0023], the voice mail message is dispatched to the mobile station via IP (claimed “packet switched data network application layer data transfer protocol”) between voice mail server (see section [0019]) and the mobile station.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 8-10, 12, 13, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont et al (US: 2001/0019951), in view of Link et al (US: 6731926).

For claims 1, 3, 13, Haumont et al teach on section [0043] - an SMS or GPRS message or packet is sent from a voice mail server (claimed "resource database") to the mobile station (claimed "portable wireless telephone") to alert (claimed "message service information") the user. The GPRS connects to data networks line TCP/IP (claimed "a data channel application layer data transfer protocol") for transmitting the alert messages.

Haumont et al teach on section [0018] a mobile station (claimed "portable wireless telephone") comprising a receiving means for receiving voice mail message, readapting means for readapting the received message and a reproduction means for reproducing the voice mail message (all read on claimed "processing by the portable wireless telephone a message"). Haumont et al teach on section [0023] the voice mail message is dispatched to the mobile station via IP (claimed "data channel application layer data transfer protocol") between voice mail server (see section [0019]) and the mobile station.

Haumont et al failed to teach "updating, by the message storage system, the message service information". However, Link et al teach on column 10 line 39-42 and column 7 line 33-

63, after the messages are retrieved, the message service provider (reads on claimed “the message storage system”) sends a new ReportEventMessageAvailable to MWI processor (claimed “the resource database”) to indicate zero messages are waiting. Link et al teach on column 4 line 27-36 and column 7 line 36-45, the ReportEventMessageAvailable is sent SS7 or TCP/IP network (reads on claimed “packet switched data network”).

It would have been obvious to one skilled at the time the invention was made to modify Haumont et al to have the “updating, by the message storage system, the message service information” as taught by Link et al such that the user of modified Haumont system can easily update the message service information by the message storage system via the TCP/IP network.

Regarding claim 22, Haumont et al teach on section [0011] SMS notification (claimed “alerting”) sent by the voice mail server (claimed “resource database”). Haumont et al teach on section [0025] the mobile station asks (claimed “initiating”) for messages (reads on claimed “receipt of the message”).

Regarding claim 4, all rejections as stated in claim 1 above apply.

Regarding “creating a resource database”, Haumont et al teach on item 20 Fig. 1 voice mail server. The voice mail server must be created in order for the system of Haumont et al to be operable.

Regarding “storing a message in the portable wireless telephone without establishing a voice or data channel with the message storage system”, Haumont et al teach on section [0048] the recorded message is stored in the storage means before the transmission (reads on claimed

“storing a message.....without establishing a voice or data channel with the message storage system”.

Regarding claim 5, Haumont et al teach on section [0043] SMS or GPRS or packet (claimed “different services”) alert can be sent to the mobile station.

Regarding claims 8, 9, 23, all rejections as stated in claim 1 above apply.

Haumont et al teach on sections [0001] to [0046] and Fig. 1, the mobile station (item 30 Fig. 1) is a voicemail receiving station where the voice mails are received from the voice mail server via data connections. Haumont et al also teach on sections [0047] to [0048], the mobile station (item 30 Fig. 1) can also be a voicemail sending station for recording and sending voice mails via data connections. Therefore, the system of Haumont et al teaches a method and process of sending voicemails from a wireless mobile station to a wireless receiving mobile station via data connections.

Regarding “recording a voice message for a recipient subscriber in a portable wireless telephone without establishing a voice or data channel with the message storage system”, Haumont et al teach on section [0048], a voicemail message can be recorded on the mobile station.

Regarding “querying according to a packet switched network application layer data transfer protocol, address of a recipient-subscriber message storage system from a resource database via a packet switched network between the portable wireless telephone and the resource

database”, the sending mobile station must query in order to obtain the IP address (assuming IP connection is used) of the message storage system in order to transmit the voicemail message.

For claim 10, regarding transmitting and receiving, respectively, data units comprising data packets corresponding the message, identification information of the message, total number of the data packets information and data packet sequence number information, it is inherent (for data communication) that the system of Haumont et al must transmit and receive data units comprising data packets corresponding the voice message, identification information of the message, total number of the data packets information and data packet sequence number information.

Regarding determining whether to retransmit data packets, it is inherent (error correction for data communication) Haumont’s system must determine whether to retransmit data packets.

Regarding retransmitting data packets responsive to the determining using the identification information, the total number of the data packets and the data packet sequence number information, it is inherent (error correction for data communication) the Haumont’s system must retransmit data packets responsive to the determining (of error communication) using the identification information, the total number of the data packets and the data packet sequence number information.

Regarding claim 12, Haumont et al teach on section [0043] - an SMS or GPRS message or packet is sent from a voice mail server (claimed “resource database”) to the mobile station (claimed “portable wireless telephone”) to alert (claimed “message service information”) the

user. The GPRS connects to data networks line TCP/IP (claimed “a data channel application layer data transfer protocol”) for transmitting the alert messages. The voice mail server (claimed “resource database”) must have message service information (i.e., message sender and receiver).

Haumont et al teach on section [0018], a mobile station (claimed “portable wireless telephone”) comprising a receiving means for receiving voice mail message, readapting means for readapting the received message and a reproduction means for reproducing the voice mail message (all read on claimed “processing by the portable wireless telephone a message”).

Haumont et al teach on section [0023], the voice mail message is dispatched to the mobile station via IP (claimed “packet switched data network application layer data transfer protocol”) between voice mail server (see section [0019]) and the mobile station.

Haumont et al failed to teach “message storage systems storing voice messages”.

However, “Official Notice” is taken that a voice mail server has a storage system is old and well known to one skilled in the art.

Regarding “store a voice message in the storage unit of a wireless telephone without establishing a voice or data channel with the message storage system”, Haumont et al teach on section [0048], the recorded message is stored in the storage means before the transmission (reads on claimed “storing a message without establishing a voice or data channel with the message storage system”).

It would have been obvious to one skilled at the time the invention was made to modify Haumont et al to have the message storage system such that the modified system of Haumont et al would be able to store the messages before they are adapted, processed, and delivered to the user.

5. Claims 2, 6, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont et al, in view of Link et al, and further in view of Ripley et al (US: 6453021).

The modified system of Haumont et al in view of Link et al as stated in claim 1 above failed to teach “the message.....mailbox information”. However, Ripley et al teach on column 4 line 59 to column 5 line 9, a voice mail notification includes unique mailbox identifiers (claimed “subscriber mailbox information”). The mailbox identifier is where the voice mail stored. Therefore, the mailbox identifier is also the claimed “location data of the message storage system”.

It would have been obvious to one skilled at the time the invention was made to modify Haumont et al in view of Link et al to have the “the message.....mailbox information” as taught by Ripley et al such that the modified system of Haumont et al in view of Link et al would be able to support the location data and the mailbox information to the system users.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont et al, in view of Ripley et al (US: 6453021).

Haumont et al failed to teach “the message.....mailbox information”. However, Ripley et al teach on column 4 line 59 to column 5 line 9, a voice mail notification includes unique mailbox identifiers (claimed “subscriber mailbox information”). The mailbox identifier is where the voice mail stored. Therefore, the mailbox identifier is also the claimed “location data of the message storage system”.

It would have been obvious to one skilled at the time the invention was made to modify Haumont et al to have the “the message.....mailbox information” as taught by Ripley et al such that the modified system of Haumont et al would be able to support the location data and the mailbox information to the system users.

Response to Arguments

7. Applicant's arguments filed on 11/12/04 have been fully considered.
 - i) Applicant argues, on pages 9-15, regarding new amendments. New grounds rejections necessitated by the new amendments have been stated above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

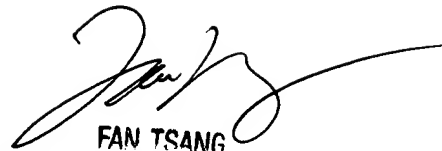
Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECH